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No. 89, Original

In the Supreme Court

OF THE

United States

OCTOBER TERM, 1981

STATE OF CALIFORNIA ex rel.
STATE LANDS COMMISSION,
Plaintiff,

vs.

UNITED STATES OF AMERICA,
Defendant.

On Bill of Complaint

MOTION OF THE STATE OF CALIFORNIA EX REL. STATE LANDS COMMISSION FOR SUMMARY JUDGMENT AND SUPPORTING MEMORANDUM

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MOTION OF THE STATE OF CALIFORNIA EX REL. STATE LANDS COMMISSION FOR SUMMARY JUDGMENT

The State of California ex rel. State Lands Commission moves the Court to enter summary judgment in its favor on the following grounds:

1. The pleadings and matters of which judicial notice has been requested show that there is no genuine issue as to any material fact;

2. The facts alleged in the Complaint and admitted in the Answer and the facts of which judicial notice has been requested entitle plaintiff State of California ex rel. State Lands Commission as a matter of law to judgment as prayed for in the Complaint.

Dated: November 18, 1981

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MEMORANDUM FOR THE STATE OF CALIFORNIA EX REL. STATE LANDS COMMISSION IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT

The State of California ex rel. State Lands Commission ("California") agrees with the United States that there are no material issues of fact disputed between the parties. Other than matters as to which it has previously requested judicial notice,[1] California does not intend to rely on matters outside of the pleadings. Such additional matters relate to the undisputed fact that the United States Coast Guard recognized California's ownership of the disputed lands by applying to California for use of such lands.

[1]Exhibits In Support of California's Motion For Leave to File Complaint; Matters of Which Judicial Notice is Requested.

California's statement of the undisputed facts is set forth in its initial motion for leave to file complaint.[2] California will not reiterate such facts here.

California agrees with the United States that the only question is one of law and that in such circumstances this matter is now ripe for determination. California joins with the United States in urging the Court to dispense with reference to a special master. California also agrees with the plea of the United States that the Court enter an order setting down these cross-motions in due course and inviting the parties to file briefs regarding the respective motions.

Dated: November 18, 1981

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[2]See Statement in Support of Motion for Leave to File Complaint filed July 7, 1981, at pages 6 through 13.